

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Promote Policy and  
Program Coordination and Integration in Electric  
Utility Resource Planning.

Rulemaking 04-04-003  
(Filed April 1, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING REGARDING  
APPLICABILITY OF INTERIM PROTECTIVE ORDER**

On December 21, 2005 the Energy Division issued instructional materials providing guidance to load-serving entities (LSEs) on issues related to their January 27, 2006 Resource Adequacy Requirements (RAR) compliance filings. The Energy Division issued errata to these materials on December 29, 2005. The instructional materials and errata are referred to hereinafter as the RA Guide.

The Energy Division has advised me that certain of the data that may be submitted by LSEs in response to the RA Guide may be considered confidential, and that there is some question whether the Interim Protective Order (IPO) adopted in my June 24, 2005 ruling covers such data.<sup>1</sup> I intend to issue a ruling in the near future that will provide for replacement of the IPO with a revised protective order (RPO). Among other things, this ruling will address the pending joint motion for adoption of an RPO. However, the schedule for data submittals that is set forth in the Energy Division's December 21 RA Guide could be impacted if questions about the confidentiality of the submittals are left unresolved until the RPO is issued.

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<sup>1</sup> The IPO covers information submitted by all respondents, including Electric Service Providers.

The IPO governs access to data “submitted by any respondent to Rulemaking 04-04-003 pursuant to any ruling or order of the Assigned Administrative Law Judge ... that requires such respondents to submit load forecasts and data in furtherance of the Commission’s development, establishment, implementation, and operation of a program of Resource Adequacy Requirements.” (IPO, Paragraph 1, p. C-1.) I have reviewed the scope of data that will be submitted by LSEs in response to the RA Guide, and hereby determine that such data constitutes “load forecasts and data” submitted in furtherance of the RAR program.

Therefore, **IT IS RULED** that data submitted by LSEs in response to the Energy Division’s RA Guide, including intertie capacity allocation data, shall be subject to the confidentiality protections and procedures that are set forth in the IPO that was issued June 24, 2005.

Dated January 4, 2006 at San Francisco, California.

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/s/ MARK S.WETZELL  
Mark S. Wetzell  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Applicability of Interim Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated January 4, 2006, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.